

**Mark-up Copy. Stricken language would be deleted from and underlined language would be added to the regulations as they existed on April 1, 2004.**

**Regulation 6. Qualification for Examination.**

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6.2 An applicant for a journeyman electrician license shall have:

- a. four (4) years ~~(8,000 hours)~~ electrical work experience approved by the board; which shall include the following:
  - (1) no less than 8,000 hours of on-the-job training; and
  - (2) no less than 4,000 hours of on-the-job training in new commercial or new industrial construction; and
- b. a four year combination of training and experience as the board may approve, such as formal apprenticeship programs approved by the board, on-the-job-training specifically approved by the board, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the board, or a combination of training and electrical experience that is determined by the board to be equivalent to that as specified in paragraph 6.2(a) above or
- c. a "Notice of Apprenticeship Committee Action – Released for Test" form from their training program if applicable and approved by the Department of Workforce Education. The applicant may take the examination after completion of four years training and submission of the approved Released for Test form.
- d. Maintenance experience in electrical work may be considered provided:
  - (1) the applicant has completed a BAT-approved construction sponsored apprenticeship program; and
  - (2) electrical work must be:
    - (A) performed under the direct supervision of an engineer, licensed master electrician, or licensed journeyman electrician; and
    - (B) verified and documented in detail; and
  - (3) experience must be either:
    - (A) four (4) years ~~(8,000 hours)~~ of verified electrical construction experience,

which shall include (i) no less than 8,000 hours of on-the-job training and (ii) no less than 6,000 hours of on-the-job training in new commercial or industrial construction; or

(B) ~~six (6) years (10,000 hours)~~ of electrical maintenance experience ~~with two (2) of those years consisting of electrical construction~~, which shall include (i) no less than 12,000 hours of on-the-job training and (ii) no less than 4,000 hours of on-the-job training in new commercial or industrial construction.

- e. Work experience shall be documented by official transcripts, notarized letters or affidavits from past or present employers, official letters from other licensing boards detailing the duration and character of the work, or equivalent evidence that verifies such experience.
- f. Electrically related classroom instruction, or time spent in electrical school, shall be documented by submitting to the Arkansas Department of Workforce Education transcripts from a school or classroom training records from an apprenticeship program as approved by the board, the U.S. Department of Labor- Bureau of Apprenticeship Training, and the Department of Workforce Education.

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6.5 An applicant for a residential journeyman license shall have:

- a. two (2) years experience in the wiring of one (1) or two (2) family dwellings; ~~or~~ and
- b. ~~any~~ a two-year combination of training and experience as the board may approve, such as formal apprenticeship programs approved by the board. ~~as being equivalent to that as specified in paragraph 6.5a. above.~~

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## **Regulation 7. Licenses.**

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7.9 Apprentices.

- a. An applicant for registration as an electrical apprentice shall submit the following:
  - (1) an application on a form approved by the board;
  - (2) a registration fee of ten dollars (\$10.00);
  - (3) satisfactory proof that the applicant is enrolled in and attending a school or training course for electrical apprentices certified by the U.S. Department of Labor, Bureau of Apprenticeship and Training (BAT).

- b. Apprentice registration certificates shall be valid for one (1) year. They shall expire on the last day of the month, one (1) year from the date of issue.
- c. Apprentice registration certification may be renewed by payment of a ten dollar (\$10.00) renewal fee and submission of satisfactory proof of current enrollment in and attendance of a BAT-approved training program.
- d. An individual may continue to register and work as an electrical apprentice upon release from a BAT-approved program. However, the apprentice must actively attend training classes until he/she passes the examination.
- e. A certificate of registration may be revoked by the board for cause. This includes, but is not limited to the following:
  - (1) Expulsion from or dropping from the BAT-approved training program; or
  - (2) Performing electrical work which is not performed under the direct supervision of a licensed master or journeyman electrician.
- f. No journeyman or master electrician shall employ ~~or supervise~~ an electrical apprentice ~~except~~ at a ratio ~~of no more greater~~ than one (1) apprentice to one (1) journeyman or one (1) master electrician at any one time, except as another ratio may be approved by BAT.
- g. No electrical contractor or licensed electrician shall ~~employ work~~ an electrical apprentice ~~except to work~~ under the direct supervision of a journeyman or a master electrician with a ratio ~~of no more not greater than one (1) two (2) apprentices to one (1) journeyman or one (1) master electrician on a construction project~~ at any one time, ~~except as another ratio may be approved by BAT.~~ An overall employment ratio not greater than one (1) apprentice to one (1) journeyman or one (1) master electrician must be maintained unless otherwise approved by BAT. Notwithstanding any provision to the contrary, a fourth-year apprentice is counted as an apprentice for the purposes of determining an employer's overall employment ratio, but is not counted as an apprentice for the purposes of determining the work ratio on an individual construction project. Upon employing an electrical apprentice to work at the trade, the electrical contractor/master electrician shall within thirty (30) days register such apprentice with the board, the Department of Workforce Education and the U.S. Department of Labor (BAT). The apprentice must begin school no later than the first full semester following the date of hire. In the event that school begins more than ninety (90) days from the hire date, the employer shall, in the interim, provide the apprentice with technically related instruction pursuant to the guidelines of the U. S. Department of Labor, Bureau of Apprenticeship and Training.
- h. By memorandum of understanding, the Workforce Education Apprenticeship Office

shall oversee related classroom study of apprentices. Unless officially excused by the Arkansas Department of Labor, each apprentice released from their apprenticeship training should make application with the Department of Labor for the examination within sixty (60) days of their release.

7.10 Temporary licenses.

- a. The board shall issue a temporary license as a master electrician or journeyman electrician for a period of six (6) months, upon submission by the applicant of the following:

- (1) A temporary license fee in the amount of \$50 for a master electrician and \$25 for a journeyman electrician;

- (2) A completed application on a form provided by the board; and

- (3) Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications established in Regulation 6.1 or 6.2.

- b. A temporary license may be renewed one (1) time only for industrial projects, upon submission by the applicant of the items listed in Regulation 7.10a. above.

- c. In no event shall a renewed temporary license exceed a period of twelve (12) months from the date of original issue on the first temporary license.

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**Regulation 8. Revocation, Suspension and Denial of Licenses.**

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- 8.7 Any journeyman electrician, residential journeyman electrician, master electrician, residential master electrician, air conditioning electrician, or industrial maintenance electrician whose license has been revoked may make application for a new license after such time as the board may require by order on an application form furnished by the board. In the event the board's order revoking a license does not specify a time, application for a new license may be made after a period of two (2) years dating from the date of the revocation. Said application shall contain a statement of intent to comply with all pertinent laws, ordinances, rules, and regulations. The board may issue a new license after the applicant has passed the prescribed examination, with fees for such examination being the same as for an initial examination. The board may deny licensure to any applicant who has worked without a license during a period of revocation in violation of Ark. Code Ann. § 17-28-304.

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## Regulation 9. Electrical Civil Money Penalties.

### 9.1 Civil Penalties, Generally.

a. Any person, firm, or corporation that violates provisions of Ark. Code Ann. § 17-28-101 through 310 or Ark. Code Ann. § 20-31-101 through 20-31-105; or any rule, regulation, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board shall be subject to a civil penalty that shall not exceed the following:

- (1) Two hundred fifty dollars (\$250.00) for a first offense;
- (2) Seven hundred fifty dollars (\$750.00) for a second offense;
- (3) One thousand dollars (\$1000.00) for a third offense.

b. Each day of a continuing violation shall constitute a separate offense.

c. Assessment of a civil penalty shall be made no later than two (2) years from the date of the occurrence of the violation.

d. The amount of civil penalties will be determined in accordance with 9.2 of this Regulation.

e. In civil penalty cases, the staff of the Electrical Division of the Arkansas Department of Labor shall notify the person, firm, or corporation charged with the violation by Regular Mail of the following:

- (1) the type of violation(s);
- (2) the date(s) of the violation(s);
- (3) the amount of the recommended civil penalty for the violation(s);
- ~~(4) the civil penalty determination issued by the staff shall be final, unless within thirty (30) days after receipt of this notice, the person, firm, or corporation notifies the Director of the Arkansas Department of Labor that the person, firm, or corporation contests the penalty; and~~
- (5) ~~the procedure for contesting a civil penalty as provided in 9.5 of this Regulation.~~
- (4) a statement of the time, date, place, and nature of the hearing before the Board;
- (5) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (6) a short and plain statement of the matters of fact and law asserted;
- (7) a statement that the person, firm, or corporation may, upon written request, obtain the issuance of a subpoena by the Director for the attendance and testimony of witnesses and the production of documents.

~~f. If the person, firm, corporation, partnership or association charged with the violation has not filed notice that he/she contests the civil penalty within thirty (30) days after receiving notice in accordance with 9.1(e) of this Regulation, the penalty assessment~~

~~by the staff of the Electrical Division becomes the final determination of the Director of Labor.~~

- gf. Notice of the civil penalty hearing may also be delivered in the same manner as summons in civil cases or by hand-delivered citation by an electrical inspector of the Arkansas Department of Labor.
- g. Any person, firm or corporation who is given notice of a recommended fine shall be provided at least twenty (20) days notice of the hearing at the address on file with the Department of Labor or at their last known address.

## 9.2 Civil Penalty Assessment.

- a. If upon inspection or investigation, the Arkansas Department of Labor finds that a person, firm, or corporation has violated any of the provisions of Ark. Code Ann. § 17-28-101 through 310 or Ark. Code Ann. § 20-31-101 through 20-31-105; or any rule, regulation, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board, such person, firm or corporation shall be subject to a civil penalty that shall not exceed the following:
  - (1) Two hundred fifty dollars (\$250.00) for a first offense;
  - (2) Seven hundred fifty dollars (\$750.00) for a second offense; and
  - (3) One thousand dollars (\$1000.00) for a third offense.
- b. The recommended ~~amount of a~~ civil penalty will be ~~assessed~~ based on the Violation Fine Schedule in 9.3 of this Regulation.
- c. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).
- d. ~~Upon appeal,~~ The Board may exercise its discretion in determining the appropriate penalty according to the Violation Fine Schedule in 9.3 of this Regulation. In determining the amount of a civil monetary penalty, the Board may consider:
  - (1) The degree and extent of harm to the public safety or to property, or the potential for harm;
  - (2) The duration and gravity of the violation;
  - (3) Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;
  - (4) Whether the violation involved elements of fraud or deception either to the public or to the Board, or both;
  - (5) The violator's prior disciplinary record with the Board;
  - (6) Whether and to the extent which the violator profited by the violation.

- e. Any person, firm, or corporation that pays a recommended fine before the date of the hearing scheduled before the Board, shall be presented to the Board as an uncontested matter for approval.

### 9.3 Violation Fine Schedule.

- a. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).
- b. The aggravating and mitigating factors in 9.2(d) of this Regulation may affect the final civil monetary penalty assessed.

<b>Violation</b>	<b>Statute or Regulation Provision</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>
Failure to possess appropriate license for electrical work	17-28-304	\$50	\$100	Discretionary (up to \$1000 per day)
Providing false or misleading advertising	17-28-304	\$250	\$500	Discretionary (up to \$1000 per day)
Failure to correct electric code violations within a reasonable time	20-31-105	\$250	\$750	Discretionary (up to \$1000 per day)
Failure of <del>electrical contractor</del> <u>a licensee licensed by the Arkansas Department of Labor or by a master electrician</u> to maintain supervisory ratio of one licensed electrician to <del>one</del> <u>two apprentices on a construction project at any one time, or to maintain an overall employment ratio of one to one,</u> except as another ratio may be approved by BAT	Regulation 7.9(g) (Violations of this Regulation shall be assessed per apprentice out of the required ratio)	\$75	\$150	Discretionary (up to \$1000 per day)
Performing electrical work beyond the authorization of the electrical license or registration	17-28-101 & Regulation(s) 2.1a-f	\$50	\$100	Discretionary (up to \$1000 per day)
Failure of apprentice to register with the Arkansas Department of Labor	Regulation 7.9(e)(2)	\$10	\$20	Discretionary (up to \$1000 per day)
Employment by an electrical contractor licensed by the Arkansas Department of Labor or by a master electrician of unlicensed or unregistered persons doing electrical work	<del>17-28-202</del> <u>Regulation 11.6</u>	\$250	\$750	Discretionary (up to \$1000 per day)
Deception, misrepresentation or fraud in obtaining or attempting to obtain a license(includes loaning a license)	17-28-303 & Regulation 8.1	\$250	\$750	Discretionary (up to \$1000 per day)
Other violations of the State electrical statute		Discretionary (up to \$250 per day)	Discretionary (up to \$750 per day)	Discretionary (up to \$1000 per day)



9.4 ~~No provision of this section~~ Nothing in these regulations shall abridge the authority of the Board to revoke or suspend any license for any offense.

9.5 Contesting a Civil Penalty Hearings and Appeals.

a. ~~The person, firm, or corporation may contest the imposition of a civil penalty by filing a written request for a hearing with the Director of Labor, 10421 West Markham, Little Rock, Arkansas 72205. The written request must be made within thirty (30) days after receipt of notification of the civil penalty or the assessment will become final.~~

b. ~~A written request for a hearing shall be scheduled for a hearing before the Board.~~

c. ~~The person, firm, or corporation shall be provided at least twenty (20) days notice of the hearing. Such notice shall include:~~

~~(1) a statement of the time, date, place, and nature of the hearing;~~

~~(2) a statement of the legal authority and jurisdiction under which the hearing is to be held;~~

~~(3) a short and plain statement of the matters of fact and law asserted; and~~

~~(4) a statement that the person, firm, or corporation may, upon written request, obtain the issuance of a subpoena by the Director for the attendance and testimony of witnesses and the production of documents.~~

d. ~~The Board shall, after consideration of the evidence, issue a decision and issue an order setting forth findings of fact and conclusions of law. Such decision shall become the final determination of the Board, unless judicial review is sought within thirty (30) days pursuant to the Administrative Procedures Act, Ark. Code Ann. § 25-15-212.~~

e. ~~If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the Director of the Arkansas Department of Labor may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.~~

9.6 Failure to pay civil monetary penalties.

a. ~~If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the Director of the Arkansas Department of Labor may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.~~

b. ~~In addition to the legal action in 9.5 of this Regulation, fFailure to pay assessed fines may result in the denial, revocation or suspension of any electrical license or certification issued by the Arkansas Department of Labor.~~